

ESTTA Tracking number: **ESTTA683716**

Filing date: **07/15/2015**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Petition for Cancellation

Notice is hereby given that the following party requests to cancel indicated registration.

Petitioner Information

Name	Wm. Wrigley Jr. Company		
Entity	Corporation	Citizenship	Delaware
Address	1132 W. Blackhawk Street Chicago, IL 60642 UNITED STATES		

Attorney information	Douglas N. Masters Loeb & Loeb LLP 321 North Clark Street, Suite 2300 Chicago, IL 60654 UNITED STATES dmasters@loeb.com, chdocket@loeb.com, wrigley@loeb.com Phone:312-464-3100
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Registration Subject to Cancellation

Registration No	4070807	Registration date	12/13/2011
Registrant	Olde Granddad Industries, Inc. 160 Passaic Avenue. Bldg. 31B Kearny, NJ 07032 UNITED STATES		

Goods/Services Subject to Cancellation

Class 003. First Use: 2011/09/30 First Use In Commerce: 2011/09/30 All goods and services in the class are cancelled, namely: Fragrance products for land vehicles, aircraft, marine craft, personal, commercial, industrial and home use, namely, fragrances, colognes and perfumes
Class 005. First Use: 2011/09/30 First Use In Commerce: 2011/09/30 All goods and services in the class are cancelled, namely: Air freshening products for land vehicles, aircraft, marine craft, personal, commercial, industrial and home use, namely, air fresheners


Grounds for Cancellation

Abandonment	Trademark Act section 14
Priority and likelihood of confusion	Trademark Act section 2(d)
Dilution	Trademark Act section 43(c)

Marks Cited by Petitioner as Basis for Cancellation

U.S. Registration No.	115895	Application Date	07/15/1916
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Registration Date	03/20/1917	Foreign Priority Date	NONE
Word Mark	LIFE SAVERS		
Design Mark	<h1>LIFE SAVERS</h1>		
Description of Mark	NONE		
Goods/Services	Class 030. First use: First Use: 1913/02/28 First Use In Commerce: 1913/02/28 [CHEWING-GUM,] CANDY, [SWEETMEATS,]AND CONFECTIONS		

U.S. Registration No.	1130067	Application Date	07/13/1978
Registration Date	01/29/1980	Foreign Priority Date	NONE
Word Mark	LIFE SAVERS		
Design Mark			
Description of Mark	THE MARK CONSISTS OF THE CONFIGURATION OF THE GOODS WITH THE WORDS "LIFE SAVERS" EMBOSSED THEREON.		
Goods/Services	Class 030. First use: First Use: 1921/12/29 First Use In Commerce: 1921/12/29 PRESSED MINTS AND HARD CANDY		

U.S. Registration No.	2605971	Application Date	11/13/2000
Registration Date	08/06/2002	Foreign Priority Date	NONE
Word Mark	LIFE SAVERS GUMMIES		
Design Mark	<h1>LIFE SAVERS GUMMIES</h1>		
Description of Mark	NONE		

Goods/Services	Class 030. First use: First Use: 2001/11/01 First Use In Commerce: 2001/11/01 Candy
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Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/Douglas N. Masters/
Name	Douglas N. Masters
Date	07/15/2015

**THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In The Matter of Registration No. 4,070,807: LIFESAVER
Registration Date: December 13, 2011

WM. WRIGLEY JR. COMPANY,)	
)	
Petitioner,)	
)	
v.)	Cancellation No. _____
)	
OLDE GRANDDAD INDUSTRIES, INC.,)	
)	
Registrant.)	

PETITION FOR CANCELLATION

Petitioner Wm. Wrigley Jr. Company (“Petitioner”), a Delaware corporation located at 1132 West Blackhawk, Chicago, Illinois 60642, believes it is and will continue to be damaged by the maintenance of Reg. No. 4,070,807 (the “Mark”) on the Principal Register and petitions to cancel the same. As grounds for cancellation, Petitioner asserts that:

1. Petitioner is a leading manufacturer and seller of non-chocolate confectionery products. For over a century, Petitioner has marketed candy and mints under its LIFE SAVERS brand.

2. Petitioner has sold many millions of dollars’ worth of products in connection with its LIFE SAVERS brand and spent many millions of dollars marketing these products. Due to Petitioner’s extensive marketing efforts and sales success, Petitioner has built up and now owns a valuable goodwill which is symbolized by its LIFE SAVERS mark.

3. Petitioner has obtained numerous registrations globally for both its LIFE SAVERS mark and its trade dress, including, but not limited to U.S. Reg. Nos. 0,115,895; 1,130,067; and 2,605,971. Each of these registrations is incontestable.

4. Since long prior to the September 30, 2011 first use date Registrant claims in the mark, and as a result of Petitioner's aforesaid extensive advertising, marketing, and sale of products under or in connection with its LIFE SAVERS mark, the mark has become extremely well known and closely identified with Petitioner.

5. On or about September 29, 2010, Registrant filed Application No. 76/704,528 on an intent-to-use basis to register the mark LIFESAVER for "Fragrance products for land vehicles, aircraft, marine craft, personal, commercial, industrial and home use, namely, fragrances, colognes and perfume" and "Air freshening products for land vehicles, aircraft, marine craft, personal, commercial, industrial and home use, namely, air fresheners."

6. On December 13, 2011, Registrant obtained a registration for LIFESAVER, Reg. No. 4,070,807.

7. Upon information and belief, neither Registrant nor any predecessor or related company of Registrant made actual use of the LIFESAVER mark in connection with the covered goods prior to the September 30, 2011 priority date claimed in Registration No. 4,070,807.

8. Registrant's registration of the mark LIFESAVER for use in connection with the covered goods is without Petitioner's consent or permission.

COUNT I - LIKELIHOOD OF CONFUSION

9. Petitioner realleges Paragraphs 1 through 8 as though fully set forth herein.

10. Registrant's use of LIFESAVER in connection with the goods recited in Registration No. 4,070,807 is likely to cause confusion, mistake, or deception in that consumers and others are likely to believe that Registrant's products are Petitioner's products or the products of a company that is sponsored, authorized or licensed by, or in some other way legitimately connected with, Petitioner.

COUNT II – DILUTION

11. Petitioner realleges Paragraphs 1 through 8 as though fully set forth herein.

12. Since prior to Registrant's filing date, Petitioner's LIFE SAVERS mark became distinctive and famous in accordance with 15 U.S.C. § 1125(c).

13. Registrant's use of LIFESAVER in connection with the goods recited in Registration No. 4,070,807 is likely to cause dilution of Petitioner's famous LIFE SAVERS Mark.

COUNT III – ABANDONMENT

14. Petitioner realleges Paragraphs 1 through 8 as though fully set forth herein.

15. On information and belief, Registrant has ceased use, within the meaning of 15 U.S.C. § 1127, of the mark shown in Registration No. 4,070,807.

16. On information and belief, Registrant has an intent not to resume use of the mark shown in Registration No. 4,070,807.

17. Registrant has abandoned Registration No. 4,070,807.

WHEREFORE, continued registration of the Registration No. 4,070,807 is and continues to be damaging to Petitioner.

Please debit our Deposit Account No. 502547 for the appropriate filing fee and any additional necessary fees.

Please address all correspondence to Douglas N. Masters, LOEB & LOEB LLP, 321 N. Clark Street, Chicago, Illinois 60654.

Date: July 15, 2015

Respectfully Submitted,

LOEB & LOEB LLP

By: /s/ Douglas N. Masters
Douglas N. Masters
Melaina Jobs

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Attorneys for Petitioner

CERTIFICATE OF SERVICE

I, Noreen Gosselin hereby certify that a copy of the **PETITION FOR CANCELLATION** has been served upon:

Ernest D. Buff
Ernest D. Buff & Associates
231 Somerville Rd.
Bedminster, New Jersey 07921-2615
(908) 901-0220

via first class mail, postage prepaid on July 15, 2015

/s/ Noreen Gosselin_____